

Remarks

Claims 1 - 9, 11 - 14, 17 - 26, 28 - 31, 34 - 38 and 40 - 48 were examined and remain pending in the current application.

Applicant first notes that in responding to the previously submitted arguments, the Examiner has simply dismissed them as being moot in view of the new grounds of rejection. The arguments presented related to the patentability of the amended claims over the previously cited references of Ignatius et al. (U.S. 7,209,972, herein after Ignatius) in view of Ganger et al. ("Fast and Flexible Application-Level Networking on Exokernel Systems", hereinafter Ganger). After noting that the arguments were moot in view of the new grounds of rejection, the Examiner rejected the claims as being obvious in view of Ignatius and Ganger, by simply including references to new portions of Ignatius.

Applicant notes that in responding to the previous rejections of the Examiner, consideration of the teachings of the cited references as a whole were given; clarifying claim amendments considered and made; and clear reasons set forth as to why the teachings of the cited references did not teach or suggest the amended claims. In fact, some of the reasons presented specifically addressed the new portions of Ignatius relied upon by the Examiner.

Applicant replied in good faith with a view to avoiding all the grounds of rejection and objection. However, the Examiner has failed to develop a clearly defined issue by simply stating that the submitted arguments were moot, and then reapplying the previously cited documents, merely with references to new passages. Applicant notes that the newly cited passages were considered and noted in the previous arguments, and as such it is difficult to fully respond to the new rejections of the Examiner without having any indication as to why the previous arguments were rejected.

Applicant requests that the finality of the Office Action be withdrawn.

Claim Rejections - 35 USC § 103

Claims 1 - 9, 17 - 26, 34 and 44 - 48 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Ignatius in view of Ganger. Applicant requests reconsideration of the rejection for at least the reasons set forth below.

The previously amended claims clarified that a write call is placed to a driver from an application. The write call includes data that is to be delivered to a first location as well as data to be delivered to a second location. The write call also specifies the first and second locations. A zero-copy write is performed and then the driver breaks the data for the first location up into packets, as well as the data for the second location. The driver may then sends the respective data to the first and second locations.

As should be understood from the previously amended claims, and set forth clearly in the previously submitted arguments, the method allows a write call to be placed from an application to a driver and have the driver deliver respective data, which is copied to the driver through a zero write copy, to two different locations.

Further to the arguments previously presented, Applicant further notes that Ignatius does not teach or suggest the features of the claims alleged by the Examiner. Ignatius teaches a DataPipe that “is a general purpose data transfer mechanism implemented in software that is capable of moving data over a network between a sending and a receiving computer at very high speeds.” (see Ignatius Col 1. Lines, 60 - 63). The DataPipe is for transporting data between two end points, which may be on the same or different computers, as is clear from Ignatius, which states “the DataPipe according to the present invention is to move data as quickly as possible from point A to point B (which may be on the same or different computers within a network) while performing a variety of operations (compression, encryption, content analysis, etc.)” (see Ignatius, Col 3, Lines 27 - 32).

From the above, it is clear that Ignatius teaches moving data between two points. However, for greater certainty, Applicant notes that according to Ignatius network agents are used to transfer data across the network between two points (see Ignatius Figure 7, elements 50A and 50B). As taught by Ignatius data in buffers are sent to “multiple instantiations of network agents 50A for processing across the physical network via standard network protocol such as TCP IP, FTP, ICMP, etc. Network agents 50B are instantiated by network control processor 60B in

communication with remote Master_Monitor 90B to provide multiple network agent instantiations, where each agent on the remote side uniquely corresponds and communicates with corresponding agent on the local side." (see Ignatius Col. 12, Lines 45 - 52).

Clearly, Ignatius teaches sending data across the network between two points. As such, Ignatius does not suggest the ability of placing a write call to a driver specifying two pieces of data and two corresponding locations to send the data to. Ignatius also clearly does not teach or suggest sending data from the driver to two different locations.

The Examiner has alleged that features of the previously amended claims were taught by Ignatius; however, the Examiner has merely provided reference to various lines of Ignatius and has not provided any clear reasoning or explanation from which it is possible to understand the interpretation of the current claims and the teachings Ignatius relied upon by the Examiner.

It is difficult to understand the Examiner's contention that Ignatius discloses the features of the claim for at least the reasons set forth below. However, in an effort to further advance the prosecution of the current application, Applicant will set forth why the passages relied upon by the Examiner have no relevance to the claimed subject matter.

The Examiner points to columns 15 and 16 of Ignatius as teaching the write call with two pieces of data and two corresponding locations as noted above as well as the driver for generating a plurality of packets from the two pieces of data to be sent to the second location. Applicant notes that, although a cited reference may be relied upon for all of its teachings, it is difficult to understand how any of the teachings of Ignatius could be considered as teachings the claimed subject matter. Therefore, the following discussion of the teachings of Ignatius focuses on the noted sections.

The cited passages refer to Figure 11 of Ignatius, which shows a storage and management system that includes 3 computers (1102, 1104 and 1106) that interact with a storage area network (1108) a network attached storage (1110). The Examiner has relied on the teachings of Ignatius that data is transferred from a data mover 1122 on the first computer 1102 to a storage area network 1108 (Col 15, Lines 55 - Col 16, Line 15) as teaching including data destined for a first location, as well as the first location's address in the write call. The Examiner

has relied on the teachings of Ignatius that data can be sent from another data mover 1142 on a second computer to the network attached storage 1110 as teaching including data destined for a second location, as well as the second location's address, in the write call.

Applicant notes that the claim requires sending a write call from an application to a driver. The write call has "a first destination and pointing to a first quantity of data stored in virtual memory destined for the first destination and a second destination and pointing to a second quantity of data [..]". That is a single write call is sent from an application. The write call includes both destinations and points to both quantities of data. This is not taught, or even remotely suggested, by the cited passages of Ignatius which simply disclose a network environment having two computers that each can send data over the network to a location. The ability of separate computers to send separate data to separate locations as taught and suggested by the passages of Ignatius cited by the Examiner is not what is claimed in the current independent claims.

As set forth above, the Examiner's allegations as to the teachings of Ignatius are not supported by the reference. As such, even if Ignatius was combined with Ganger, which was relied upon as teaching a zero-write copy, the claimed subject matter would not have been obvious to one skilled in the art. Applicant submits that neither Ignatius, nor Ganger, taken alone or in combination, disclose all of the limitations of the current claims. Applicant submits that the current claims comply with 35 U.S.C. 103(a).

Claims 11 - 14, 28 - 31, 35 - 38 and 40 - 43 were rejected under 35 U.S.C. 103(a) as allegedly being obvious in view of Ignatius, Ganger and Haddock et al. (US 6,104,700, hereinafter Haddock). As set forth above Ignatius and Ganger fail to disclose all of the limitations of the independent claims as set forth above. Haddock provides no teachings that would enable one skilled in the art to arrive at the claimed subject matter of claims 11 - 14, 28 - 31, 35 - 38 and 40 - 43 from the combined teachings of Ignatius and Ganger. As such, Applicant respectfully submits that claims 11 - 14, 28 - 31, 35 - 38 and 40 - 43 comply with 35 U.S.C. 103(a).

CONCLUSION

It is respectfully submitted that the application is in clear condition for allowance. Reconsideration of the application, withdrawal of all grounds of objection and rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

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